

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 24-mj-2076-DPR
)	
PRESTON HENRY BUSTILLO,)	
)	
Defendant.)	

MOTION TO CONTINUE TIME FOR FILING INDICTMENT

COMES NOW Defendant, Preston Henry Bustillo by counsel Erica Mynarich, and moves this Court pursuant to 18 U.S.C. § 3161(b) and (h)(7)(A) and (B) to continue the time for filing of an Indictment in this case for an additional 90 days.

SUGGESTIONS IN SUPPORT

- 1) Defendant Bustillo was arrested on November 1, 2024.
- 2) Defendant Bustillo is charged with Interstate Travel in Aid of Racketeering in violation of 18 U.S.C. § 1952 (a)(3).
- 3) The Speedy Trial Act requires the government to indict a criminal defendant for an offense within thirty days of the date he was arrested for that offense. 18 U.S.C. § 3161(b). However, if the defendant has been charged with a felony in a district in which no grand jury has been in session during such thirty-day period, the period of time for filing of the indictment shall be extended an additional thirty days. 18 U.S.C. § 3161(b).

- 4) The Speedy Trial Act also provides for the exclusion of certain delays in computing the time within which an indictment must be filed if the district court finds that granting a continuance serves “the ends of justice.” 18 U.S.C. § 3161(h)(7)(A).
- 5) One factor the court shall consider for granting a continuance is “[w]hether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b) or because the facts upon which the grand jury must base its determination are unusual or complex.” 18 U.S.C. § 3161(h)(7)(B) (iii).
- 6) Another factor is whether the failure to grant a continuance would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B) (iv).
- 7) The affidavit supporting the criminal complaint (Doc. 1-1) identifies Defendant Bustillo as an interstate driver. Counsel needs more time to review and discuss the complaint, affidavit, and discovery materials with her client and to investigate the elements required for a prosecution 18 U.S.C. § 1952 (a)(3). The interests of justice support giving counsel the time to do that so that she may, if necessary, request that the Government dismiss the complaint prior to presenting the case to a grand jury for Indictment.
- 8) Undersigned counsel has confirmed with AUSA Michael Oliver that the Government has no objection.
- 9) In accordance with 18 U.S.C. § 3161 (h)(7)(A) and (B) (iii) and (iv), it is submitted

that a continuance of the time for filing an Indictment outweighs the best interests of the public and Defendant to a speedy trial, which is required by 18 U.S.C. § 3161(c)(1). Under the provisions of 18 U.S.C. § 3161(b) and (h)(7)(A) and (B), the period of time requested should be excluded in computing the period of time in which the defendant should be indicted under the provisions of the Speedy Trial Act.

WHEREFORE, Defendant, Preston Henry Bustillo, respectfully requests this Court to continue the time for filing of an Indictment in this case for an additional ninety days and for other such relief as this Court deems appropriate.

Respectfully submitted,

/s/ Erica Mynarich

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the forgoing was delivered November 14, 2024, to the CM-ECF system of the United States District Court of the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Erica Mynarich